



Policy Guide for Assessment and Use of Contractor Performance and Integrity Information

A Mandatory Reference for ADS Chapter 302

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SECTION 1. PURPOSE

The purpose of this document is to provide consolidated policy guidance on the assessment and use of contractor¹ performance and integrity information (CPII). This guidance supersedes Acquisition and Assistance Policy Directive (AAPD) 06-05.

SECTION 2. BACKGROUND

The Federal Acquisition Streamlining Act of 1994, P.L. 103-355, mandated the Government's collection of Contractor Performance Information, or CPI, and its use in source selection. Since that time, USAID has used several systems to collect and disseminate this data, including the National Institutes of Health Contractor Performance System (CPS) (which was retired on September 30, 2010), and the currently utilized Naval Sea Logistics Center Contractor Performance Assessment Reporting System (CPARS) and Past Performance Information Retrieval System (PPIRS).

The Duncan Hunter National Defense Authorization Act of 2009, P.L. 110-417, mandated the collection and use of additional performance and integrity information. FAC 2005-40 implemented the Federal Awardee Performance and Integrity Information System (FAPIS), effective April 22, 2010. The Supplemental Appropriations Act for Fiscal Year 2010, P.L. 111-212, mandated that FAPIS information, except past performance reviews, submitted on or after April 15, 2011, be made publicly available. FAPIS information is now accessed through CPARS. "Integrity" was added to Contractor Performance Information, for the acronym CPII used throughout this document. Where "CPI" is used, it refers only to contractor performance information.

Effective October 1, 2010, USAID and most other civilian agencies were required to assess contractor performance using the Naval Sea Logistics Center's Contractor Performance Assessment Reporting System (CPARS), Architect-Engineer Contract Administration Support System (ACASS) and Construction Contractor Appraisal Support System (CCASS). Records were migrated from CPS into CPARS or PPIRS depending upon the stage of completion of the report and the age of the report; however, this did not occur in all cases due to system issues.

SECTION 3. APPLICABILITY

This guide is organized to focus on the importance and relevance of contractor performance information during two phases of the procurement cycle, i.e., 1) contract administration and 2) source selection.

¹ Consideration of performance under assistance mechanisms is outside the scope of this directive. ADS 303.3.6.3 and 303.3.9 address the evaluation of past performance in the selection of assistance recipients.

SECTION 4. DEFINITIONS

The following definitions are applicable to this policy:

4.1 General Terms:

Contracting Officer (CO) and Contracting Officer's Representative (COR) are defined in [ADS 302.2](#) and the [ADS Glossary](#).

4.2 Past Performance Systems' Terms:

Contractor Performance Assessment Reporting System (CPARS): A web-based system used to input data; i.e., report on contractor performance (not publicly available). The following systems are part of the overall CPARS tool:

- Architect-Engineer Contract Administration Support System (ACASS): A web-based system used to input data; i.e., report on contractor performance for architect-engineer type contracts (not publicly available).
- Construction Contractor Appraisal Support System (CCASS): A web-based system used to input data; i.e., report on contractor performance for construction type contracts (not publicly available).
- Past Performance Information Retrieval System (PPIRS): A web-enabled, enterprise application that provides timely and pertinent contractor past performance information to the Department of Defense and Federal acquisition community for use in making source selection decisions. PPIRS assists acquisition officials by serving as the single source for contractor past performance data (not publicly available). (Note: Completed reports are available to source selection officials for review in PPIRS.)
- Federal Awardee Performance and Integrity Information System (FAPIS): A web-based system that contains specific information on the integrity and performance of covered Federal agency contractors and grantees. FAPIS is available to Federal acquisition professionals for their use in award and responsibility determinations (publicly available).

4.3 Other Terms Used in this Guidance:

The following terms are discussed in more detail in the next sections. (Note: CPARS does not accommodate assistance awards. No system currently exists to capture this data.)

- CPAR or CPARs – The singular use or lower case “s” at the end of the term CPAR denotes the singular or plural (respectively) for specific report(s) (upper case “S” represents the system).
- Focal Point – The focal point is the primary CPARS system administrator and liaison between the systems users. This very important role may be occupied by Federal direct hire employees and personal services contractors (including

Foreign Service Nationals).² No limit exists regarding the number of focal points allowable.

- USAID Agency Past Performance Coordinator (Super Focal Point) – This individual is the overall coordinator of all of the USAID focal points. This individual maintains a direct relationship with the NAVSEA Program Manager by serving as the point-of-contact for the Agency for resolving system issues and recommending/coordinating changes to the CPARS.
- Assessing Official (AO): **The Contracting Officer (CO) is the Assessing Official (AO)**³. The AO is in charge of the overall contract execution and is responsible for the accurate and timely review and processing of past performance evaluations in CPARS.
- Assessing Official Representative (AOR): The **AOR**, who is typically the **COR**, assists the AO by providing a timely and quality narrative. The Contract Specialist may also serve in this capacity, provided the Contract Specialist (CS) has sufficient personal knowledge of the contractor's performance to provide a quality assessment. Multiple AORs may be assigned per contract. Each assigned AOR has the capability of inputting and reviewing information input by the other AORs.
- Contractor Representative – This is the individual who is responsible on behalf of the contractor for receiving, reviewing, and submitting comments, if the contractor chooses to do so, under a specific contract or task order.
- Reviewing Official (RO) – FAR 42.1503(b) requires this individual to be at an organizational level above the CO. At USAID, the RO is the CO's supervisor, so for Missions with only one CO, the RO is the Deputy Mission Director or other officer to whom the CO reports. For AID/Washington awards, if an M/OAA Division Chief is the administering CO, then the Deputy Director for AID/W Operations is the RO.
- CPI – Contractor Performance Information.
- CPII – Contractor Performance and Integrity Information is the integrity and past performance information recorded in the Federal Awardee Performance and Integrity Information System (FAPIIS).

² In cases where personal services contractor (PSC) staff support the contracting office and serve as Focal Points or CORs and, therefore, require CPARS access, the PSC and CO must sign (signature required) and submit a nondisclosure agreement (See AID Form 302-1, Nondisclosure Agreement for USAID Personal Services Contractors [For Internal Use Only: <http://inside.usaid.gov/forms/a302-1.doc>].) to the Past Performance Coordinator (Super Focal Point).

³ Both acronyms (CO and AO) are used interchangeably throughout this document.

SECTION 5. ROLES AND RESPONSIBILITIES

Each report requires the following roles (for ease of reference, these roles are provided in the order in which they are utilized during the reporting process):

5.1 Focal Point: Individuals assigned this function are responsible for initiating the assessment process for all awards in their portfolio, from which all other actions in the contractor performance assessment process cascade. More specifically, responsibilities include:

- Collecting and distributing relevant contract and assessment information;
- Registering contracts in CPARS within 30 days of contract award using the auto-registration function or by entering them manually;
- Providing notifications to assessing officials (AOs) and their representatives (AORs), and controlling registration of contracts for assessments;
- Granting CPARS system access as necessary for AOs, AORs, Reviewing Officials (ROs), and Contractor Representatives;
- Accepting, reviewing and maintaining original Non-Disclosure Agreement forms (when required, per section 6.2.2);
- Guiding AOs or AORs in entering correct CPARS User Access Matrix data; Contacting Naval Sea Command for assistance as needed;
- Informing staff and facilitating of CPARS/ACASS/CCASS online and classroom training, as needed.

5.2 USAID Past Performance Coordinator (Super Focal Point): This individual is the overall coordinator of all of the focal points at the agency level. This individual maintains a direct relationship with the NAVSEA Program Manager by serving as the point-of-contact for the Agency for resolving system issues, and recommending/coordinating changes to the CPARS. The USAID Past Performance Coordinator, internal to the Agency, grants individual access to the various past performance and integrity systems, approves and assigns focal points, and maintains regular progress and compliance reporting at the Agency level.

5.3 Assessing Official (AO): The Contracting Officer is the Assessing Official. This individual is responsible for the quality review of the entire evaluation and for validating the proposed ratings and remarks entered by the Assessing Official Representative(s). The AO has the authority to forward assessments to the Contractor Representative for review and comment through the CPARS. After the contractor's comments are received or the allotted comments period has passed, the AO may close, modify, and/or forward the assessment to the RO.

5.4 Assessing Official Representative (AOR): After the contract has been registered, an AOR, who is typically the COR, can initiate and update assessments, but does not have the authority to send the assessment to the Contractor Representative or to finalize an assessment.

The AOR can initiate an assessment by entering proposed ratings and remarks only if the AO has not already initiated the assessment with remarks.

5.5 Contractor Representative: This is the individual responsible, on behalf of the contractor, for receiving, reviewing, and submitting comments, if the contractor chooses to do so, under a specific contract or task order within the allotted time period, as provided in the Federal Acquisition Regulation (FAR).

5.6 Reviewing Official (RO): The RO's role in the main CPARS module is to review and sign the assessment when the contractor indicates non-concurrence with the CPAR. At USAID, the RO is authorized to resolve any disagreements between the AO and the Contractor. The CPARS system requires that the RO reviews and signs **ALL** assessments of architecture, engineering, and construction contracts, which are reported through ACASS and CCASS respectively.

SECTION 6. GUIDANCE

6.1 PAST PERFORMANCE REPORTING

6.1.1 Past Performance Regulatory Requirements

In accordance with FAR section [42.302\(b\)\(11\)](#) (under Contract Administration Functions) and Subpart 42.15, Contractor Performance Information, and USAID's FAR supplement [AIDAR Subpart 742.15](#), Contracting Officers must prepare an evaluation of contractor performance in CPARS for each contract or task/delivery order when the contract (including individual orders) exceeds the following dollar values:

- | | |
|--|--|
| • Architect-engineer (A-E) services ⁴ : | \$ 30,000 |
| • Construction services ⁴ : | \$650,000 |
| • Other services and commodities: | Simplified Acquisition Threshold,
or SAT (currently \$150,000) |

[AIDAR 742.15](#) exempts personal services contracts⁵ and [FAR 42.15](#) exempts contracts awarded under FAR 8.7, Acquisition from Nonprofit Agencies Employing People Who Are Blind or Severely Disabled (AbilityOne Program), from the requirements for conducting these assessments. CPARs are not required in these cases.

The completed evaluation reports must not be released to other than U.S. Government personnel who have a bona fide need to access the reports as a part of their duties (as a participant on a source selection committee, for example) and to the contractor whose performance is being evaluated. Improper disclosure of such information could cause irreparable harm both to the commercial interest of the U.S. Government and to the competitive

⁴ COs must prepare performance assessments for contracts for A-E or construction services that are terminated for default or cause, regardless of the contract dollar value.

⁵ Reference AIDAR Appendices D and J concerning assessment of performance under personal services contracts.

position of the contractor being evaluated. Since contractor evaluation reports may be used to support future award decisions, they must be marked "Source Selection Information."

6.1.2 Reporting Best Practices

6.1.2.1 Reporting under Agency Indefinite Delivery/Indefinite Quantity (IDIQ), Indefinite Quantity Contracts (IQC), Basic Purchase Agreements (BPA), and Basic Ordering Agreement (BOA) mechanisms:

- a) For BOA orders, CPARS requires that an evaluation is completed on each order meeting the reporting threshold. No other CPARs are necessary.
- b) Using the guidance in the Table below, for the Agency's basic ordering mechanisms such as IDIQs, IQCs, and BPAs, the CO awarding the contract or agreement will determine whether CPARs will be completed:
 - On each order meeting the FAR thresholds and combining all other orders into one CPAR;
 - On individual orders regardless of the dollar value;
 - By combining all orders into one CPAR, regardless of the dollar value of each individual order; or
 - By combining some orders into one CPAR, regardless of their dollar value, and reporting orders that cannot be combined individually.

Combining orders into one CPAR is not feasible when the requiring activities and/or places of performance differ, or when scopes of work of individual orders are significantly different.⁶

When reporting IDIQ/IQC/PBA awards in CPARS, the COs must consider the following:

Contract award & amount:	CPARS Requirements:
Basic IDIQ contracts, IQCs and BPAs	A CPAR at the basic IDIQ/IQC or agreement level is not needed when all orders are reported individually. A consolidated CPAR is required when some or all the individual orders are less than the applicable threshold but the combined value of the orders exceeds the threshold. When preparing a consolidated report, the AO must: a) report at the basic IDIQ/IQC or agreement level with a consolidated information on all orders included; b) list the orders included in the assessment in the "Contract Effort Description" section of the CPAR; c) include the narrative describing the contractor's performance on each order, both positive and negative, so that the breadth and quality of information is available for use in source selection; d) ensure that the period of performance for such assessments is based on the effective date/award date of the basic contract or agreement.

⁶ See FAR 42.1502(d)

Individual orders ⁷ under IDIQ, IQC, BPA mechanisms above the applicable threshold	Generally, orders above the threshold are reported individually. However, as specified above, the CO for the basic award may elect to combine individual orders when separate evaluations would not produce more useful past performance information for source selection officials (e.g. when orders are similar in scope and are issued and performed in the same location). When making this determination, the CO must ensure that all orders above the applicable threshold are evaluated in CPARS.
Individual orders under IDIQ, IQC, BPA and BOA mechanisms below the applicable threshold	Generally, as with contracts below the applicable thresholds (see 6.1.2.2), performance under orders at or below the applicable threshold does not need to be assessed. However, a Task Order CO may, after consultations with the Task Order COR, elect to conduct a CPARS evaluation in extraordinary circumstances (e.g., exceptional or unsatisfactory contract performance). To facilitate the CPARS reporting, the focal point manually registers the contract/order in CPARS.

6.1.2.2 Frequency of report:

COs and CORs must ensure that the contractor performance is assessed in CPARS (1) at least annually (for contracts and orders exceeding one year in duration) and (2) on completion of the contract period of performance.⁸ For contracts and/or orders with a period of performance of less than one year, a single report is due when the period of performance expires.

Architect-engineering contracts reported under ACASS must be evaluated at least annually when the contract/task order term is 18 months or more, or when a contractor's overall performance is "marginal" or "unsatisfactory." A final performance evaluation must be completed upon contract completion or termination of each phase of work (Design, Engineering Services, and Construction). If more than one phase is completed within a year, a single interim or final report may cover all phases completed⁹.

Reports for construction contracts/ordered made in CCASS must be prepared at the mid-point of the contract/task order when the contract/task order term is 24 months or more, or when a contractor's overall performance is "unsatisfactory." A final performance evaluation must be completed upon contract completion or termination.

COs may choose to assess contractor performance more often than the minimum periods required or when the contract awards are below the above thresholds if such an assessment is in the best interests of the Government. Such assessments may be appropriate when:

- Sharing significant information about a contractor will promote greater confidence in future acquisition decisions,

⁷ TOCO is responsible for evaluation of individual orders.

⁸ CPAR annual and final assessments must not include cumulative information but must be limited to the period of contractor performance occurring after the preceding CPAR.

⁹ The final performance evaluation in ACASS and CCASS replaces previous evaluations and must summarize significant information for the life of the contract.

- Making information available in a more timely manner will serve and protect the Government's interests, or
- Assessing performance under contract awards not exceeding the thresholds promotes increased numbers of awards to U.S. small businesses and small disadvantaged businesses that are performing particularly well.

COs may also choose to prepare addendum reports after the final past performance evaluation is completed to record the contractor's performance relative to contract closeout, warranty performance, compliance with court ordered settlements and stipulations and other administrative requirements.

6.1.2.3 Acknowledging Performance of Small Business Subcontractors:

CPARS assessments apply to the performance of prime contractors only. However, if a small business subcontractor completes a critical aspect or 25 percent or more of the work, evaluators may acknowledge subcontractor efforts by including comments about the subcontractor in the assessment area entitled "Small Business Utilization." Including the subcontractor's full legal name and its DUNS# in this section is a best practice and strongly recommended.

COs must use the assessment area entitled "Small Business Utilization" to evaluate the contractor's performance in meeting the goals in its small business subcontracting plan or other similar small business incentive programs set out in the contract.

For contracts and/or task orders in which the contractor uses small business subcontractors, evaluators must include comments about the prime contractor's ability to manage and coordinate small business subcontractor efforts in the assessment area entitled "Subcontract Management."

Additionally, CPARS requires that the following questions are addressed in each report:

Small Business Utilization:
Does this contract include a subcontracting plan?
Date of last Individual Subcontracting Report (ISR) / Summary Subcontracting Report (SSR):

6.1.3 Ratings and Narrative

6.1.3.1 Ratings & Evaluation Areas

A common five-level assessment rating system is used to evaluate a contractor's performance. Ratings range from Unsatisfactory to Exceptional. The following clarifies each category:

Rating	Definition
Exceptional	Performance meets contractual requirements and exceeds many to the Government's benefit. The element being assessed was accomplished with few minor problems for which corrective actions

	taken by the contractor were highly effective.
Very Good	Performance meets contractual requirements and exceeds some to the Government's benefit. The element being assessed was accomplished with some minor problems for which corrective actions taken by the contractor were effective.
Satisfactory	Performance meets contractual requirements. The element being assessed contains some minor problems for which corrective actions taken by the contractor appear or were satisfactory.
Marginal	Performance does not meet some contractual requirements. The element being assessed reflects a serious problem for which the contractor has not yet identified corrective actions.
Unsatisfactory	Performance does not meet most contractual requirements and recovery is not likely in a timely manner. The element being assessed contains a serious problem(s) for which the contractor's corrective actions appear or were ineffective.

6.1.3.2 Areas of Evaluation

Past performance information is relevant information, for future source selection purposes, regarding an offeror's actions under previously awarded contracts. It includes, for example, the contractor's record of conforming to contract requirements and to standards of good workmanship; the contractor's record of forecasting and controlling costs; the contractor's adherence to contract schedules, including the administrative aspects of performance; the contractor's history of reasonable and cooperative behavior and commitment to customer satisfaction; the contractor's reporting into databases (see [FAR subparts 4.14](#) and [4.15](#)); the contractor's record of integrity and business ethics, and generally, the contractor's business-like concern for the interest of the customer.

Based upon the fields provided in CPARS, the contractor may be evaluated in the following areas. The commonly used areas are *italicized* below.

Commonly Rated Areas:

Technical (Quality of Product)
Schedule
Cost Control
Business Relations
Management of Key Personnel
Subcontract Management
 Program/Other Management
 Small Business Utilization

Additional Rating Areas:

Product Performance
 Systems Engineering
 Software Engineering
 Logistic Support/Sustainment
 Product Assurance
 Other Technical Performance
 Other¹⁰

Violations of the Federal Acquisition Regulations Clause 52.222-50, Combating Trafficking in Persons, must be included in the past performance evaluation of all applicable contracts under the rating area of "Other."

¹⁰ In critical priority country (CPC) areas, this field may be used to capture a contractor's performance in the area of security for example.

6.1.3.3 Narrative

It is essential for the evaluation report to include clear, relevant, and substantive information that accurately depicts the contractor's performance. The evaluation must be based on objective facts supported by performance data. The report must include a clear, non-technical description of the principal purpose of the contract.

The narrative must be robust and must clearly and definitively support the correlating rating. Do not use acronyms or agency-specific terminology. Include examples demonstrating a contractor's performance for ratings of other than satisfactory. The completed report may be viewed and considered by source selection officials across Government agencies. Therefore, the report must be easily understood by persons throughout the U.S. Government.

6.1.3.4 Impact

Contractors utilize the completed past performance reports in order to secure new contracts, by including reference to specific reports in their offers. AOs and AORs must be vigilant to ensure that the report contains an accurate portrayal of the contractor's performance. The past performance reports are a tool for use by the CO and COR in order to incentivize contractors to provide USAID with superior products and services.

COs, CORs, or Contract Specialists must not "downgrade" past performance evaluations if an offeror or contractor has exercised its right to file protests, claims, or not use Alternative Dispute Resolution (ADR) to resolve disputes. Likewise, offerors/contractors who have refrained from filing protests or claims or who have agreed to use Alternate Disputes Resolution must not receive more positive performance evaluations on that basis in source selection decisions.

6.1.4 CPARS Reporting Schedule

All new contracts/orders above the reporting threshold must be registered in CPARS within 30 days of award. If CPARS does not automatically register a new award, then the focal point must manually register it.

The AO or AOR must initiate the CPAR for contracts/orders with a period of performance exceeding one year (including options) as soon as possible after the anniversary of the first day of the contract/order's period or, for the consecutive evaluations, the anniversary of the preceding CPAR¹¹. The final CPAR must be completed within 60 days of the final acceptance of supplies/services, contract termination or completion of the period of performance.

After the AO validates the ratings, the Contractor has 30 days to review the report and provide comments. The AO has 30 days after the contractor provides comments to review them and finalize the report, including making any changes to the final report based on contractor comments with which the AO agrees. If the Contractor does not respond within the 30 days allotted time, the AO may proceed with finalizing the report without further input. However, if the

¹¹ If any time after 90 days into the reporting period the CO and/or COR responsibilities are transferred to another individual(s), a CPARS reports must be either started or completed, depending upon where in the performance reporting cycle the report falls, to ensure that feedback on a contractor's performance is properly captured and considered.

Contractor disputes the CPAR, the report is automatically routed by the CPARS to the RO in order to make a final determination as to the content of the report. Contractor comments are included in the report under the applicable section. Any decision to modify narrative and/or any ratings in the report is the sole responsibility of the AO or RO.

6.1.5 FAPIIS

Separate from CPARS requirements above, the FAR¹² requires contractor data to be reported in FAPIIS within 3 calendar days after a CO:

- Issues a final determination that a contractor has submitted defective cost or pricing data, or makes a subsequent change to this determination;
- Issues a final termination for cause or default notice or makes a subsequent withdrawal or conversion to termination for convenience;
- Makes a non-responsibility determination; or
- Enters into an administrative agreement with a contractor to resolve suspension proceeding.

Immediately upon entering the information into FAPIIS, the CO must also transmit copies of all relevant documents to the Office of Acquisition and Assistance, Compliance Division, (M/OAA/Compliance) via compliance@usaid.gov, including a brief explanation of the actions taken and the date the information was posted in FAPIIS.

The workflow process for entering the above documents is specified in Mandatory Reference: Federal Awardee Performance and Integrity Information System (FAPIIS) User Manual (<http://www.CPARS.csd.disa.mil/CPARSfiles/pdfs/FAPIISUserManualFinal.pdf>).

COs must contact the USAID [Past Performance Coordinator](#) at ppperformance@usaid.gov to request access to the FAPIIS input module.

6.2 SOURCE SELECTION

Prior to awarding a contract (including a task/delivery order under a multiple-award IQC¹³) anticipated to exceed the simplified acquisition threshold, the CO must consider CPII in the following circumstances:

- When making a best-value award decision.
The CO must assess the offeror's past performance to make a comparative evaluation of it as an indicator of how well the offeror is likely to perform the contract.
- As part of responsibilities determination.

¹² See FAR 42.1503, FAR 9.105-2, FAR 9.407-3 and FAR 9.406-3

¹³ Fair opportunity to be considered and use of contractor performance information in the award of task orders under a multiple-award, basic contract ordering mechanisms is addressed in FAR 16.505(b).

The CO must consider whether the offeror has a satisfactory record of performance and integrity in order to make a positive determination that the offeror is responsible and, therefore, eligible to receive the award.

The CO retains the documented CPII, as discussed below, in the contract file as part of the source selection and responsibility determination documentation.

6.2.1 CPI¹⁴ as a Comparative Evaluation Factor

When using CPI as a comparative evaluation factor for source selection purposes in best-value awards (as required in FAR 15.304(c)), the CO must base the solicitation provisions on the model language contained in **ANNEX - Solicitation Template for Contractor Performance Information**, adapting it to the circumstances of the subject procurement but being sure to include the elements required by [FAR 15.305\(a\)\(2\)](#). The solicitation provision must also contain the sub-factor for the assessment of performance in using U.S. small business concerns substantially as stated in the template except for solicitations for:

- Personal services;
- 100 per cent small business set asides;
- Competitions limited to local (non-U.S.) organizations; or
- Other purchases with an approved justification for less than full and open competition.

The CO must give the comparative evaluation factor for CPI sufficient weight in the source selection process to make it a significant element in distinguishing between the offerors and the outcome of the selection. The expected weight range for CPI is 20-30% of the total non-cost evaluation criteria. The sub-factor for assessment of the performance of offerors in using U.S. small business concerns may not be given a weight which makes it the single lowest-weighted sub-factor for past performance. COs should not, without good cause, combine past performance with corporate experience in the same evaluation criterion, since corporate experience is what the offeror and its subcontractors have done, while past performance is how well they did it.

The CO must not request that an offeror solicit assessments of its performance from its customers as a condition for submitting a proposal. The CO requests only contact information for the offeror's customers to allow U.S. Government personnel to solicit information to conduct these assessments when existing databases of CPI are found to be insufficient or unavailable.

The CO identifies an individual involved in the source selection process to obtain the past performance information and provides it to the TEC (see 6.2.2). This individual, referred to below as the procurement official, may be the contract specialist, or a person on the technical evaluation committee (TEC) designated by the CO to perform this function, or the CO may retain the responsibility. The TEC then evaluates the CPI in accordance with the terms of the solicitation, [FAR 15.304\(c\)\(3\) and 15.305\(a\)\(2\)](#), [AIDAR 715.303-70 and 715.305](#), and this Mandatory Reference. The TEC must assess the CPI for each offeror against the solicitation's Section M evaluation criteria, using reasonable business judgment to determine the relevancy of the CPI as a predictor of the offeror's anticipated performance of the subject contract requirement. (See Legal Trends and Caveats on the Evaluation of Past Performance

¹⁴ Integrity information is not appropriate as a comparative evaluation factor in source selection.

Information (PPI) [<http://www.usaid.gov/policy/ads/300/302sai.pdf>] and PPI Relevancy [<http://www.usaid.gov/policy/ads/300/302sai.pdf>].) In the case of a joint venture, each partner's performance record must be reviewed as well as the joint venture itself, as applicable.

In assessing CPI, evaluators may properly take into account performance information regarding key personnel who have relevant experience, as well as relevant information about subcontractors which will perform major or critical aspects of the requirement, since that experience may be useful in predicting success in future contract performance.¹⁵ Key personnel experience is relevant where, for example, the same individual will assume contract management responsibilities similar to those he has successfully performed in prior similar in scope and complexity contracts.

6.2.2 Obtaining CPI

The procurement official must attempt to obtain CPI for an offeror's contracts by searching the U.S. Governmentwide Past Performance Information Retrieval System (PPIRS), the primary source for contractor performance information for U.S. Government contractors.

If the procurement official does not have access to PPIRS, he/she must request an account from the USAID Past Performance Coordinator at ppperformance@usaid.gov, who will provide instruction for how to navigate the PPIRS Web site (www.ppirs.gov) for access to search the database. TEC members may be granted access for a maximum of 90 days at a time.

In cases where the procurement official who requires PPIRS access is a PSC, the PSC and CO must sign and submit a nondisclosure agreement (AID Form 302-1, Nondisclosure Agreement for USAID Personal Services Contractors) [For Internal USAID use only: <http://inside.usaid.gov/forms/a302-1.doc>] to the Past Performance Coordinator. The CO's signature indicates endorsement of the PSC's access to the systems and for the period of time indicated on the form. Submit the form by e-mailing an image file to ppperformance@usaid.gov. File the form in the PSC contract folder after submission. The CO must also provide to the Past Performance Coordinator any applicable PSC contract term extensions to maintain this access beyond the expiration date listed on the form. U.S. direct hire (USDH) personnel do not need to complete this form.

If the CO determines that PPIRS does not contain sufficient data for the purpose of adequate comparative evaluation, the CO has broad discretion to consider or authorize consideration of CPI from other sources deemed relevant and reliable. They may include but are not limited to:

- Contractor performance assessments of contractors not registered in the System of Award Management (or SAM, which replaced the Contractor Central Registry, CCR) or assigned unique DUNS numbers. These contractors will not have their CPARs posted to PPIRS, and the procurement official accesses them by querying the Past Performance Coordinator, who maintains a database of CPARs not accepted by PPIRS;
- Business references named in the offeror's proposal;
- Commercial data bases such as Dun and Bradstreet, Standard and Poors, et al; and

¹⁵ See U.S. GAO B-291978.2, U.S. GAO B-285822.2 and U.S. GAO B-290137.2.

- Others who may be known to have relevant information, to address the offeror's performance, including the members of the technical evaluation committee who have direct, personal knowledge of the offeror's performance.

If the CPI contains adverse information on which the offeror has not previously been given an opportunity to comment, the procurement official must provide the offeror a reasonable opportunity to comment on it prior to consideration of the CPI in the evaluation, and any offeror comment must be considered with the adverse CPI. CPARS provides contractors the opportunity to comment on any information included in individual performance reports during the process of assessment. Therefore, for the purpose of having given the offeror a "previous opportunity to respond" to adverse past performance information within the meaning of [FAR 15.306](#), the procurement official reviewing the CPARs may rely on the statement included within that report "The contractor has elected not to comment."

6.2.3 CPII in Determining Responsibility

COs must use the information available through PPIRS to support determining the responsibility of prospective contractors, giving particular attention to any information concerning the offeror in FAPIIS (available through PPIRS at <http://www.ppirs.gov/>). When applicable, COs must document the contract file to explain how the information in FAPIIS was considered and what actions were taken as a result.

6.3 REFERENCES AND LINKS

REGULATIONS:

FAR (<http://acquisition.gov/comp/far/index.html>)
AIDAR (<http://www.usaid.gov/policy/ads/300/aidar.pdf>)
Automated Directives System Chapter 302 USAID Direct Contracting
(<http://www.usaid.gov/policy/ads/300/302.pdf>)

FORMS/TEMPLATES:

AID Form 302-1, Nondisclosure Agreement for USAID Personal Services
Contractors Accessing Contractor Performance Information
(For Internal Use Only: <http://inside.usaid.gov/forms/a302-1.doc>)

CPARS/PPIRS WEB PAGES:

CPARS Web pages (<http://www.cpars.gov/cparsmain.htm>)

- (1) ACASS (<http://www.cpars.gov/acassmain.htm>)
- (2) CCASS (<http://www.cpars.gov/ccassmain.htm>)
- (3) FAPIIS (<http://www.cpars.gov/FAPISmain.htm>)
FAPIIS User Manual
(<http://www.cpars.gov/cparsfiles/pdfs/FAPIS User Manual.pdf>)

PPIRS Homepage (<http://www.ppirs.gov/>)

- (1) PPIRS-RC Software User's Manual
(http://www.ppirs.gov/ppirsfiles/pdf/PPIRS-RC%20User's%20Manual_3-26-2008.pdf)
- (2) PPIRS Federal Log-on (<https://ppirs.ppirs.gov/ppirs/banner.jsp?app=fed>)

DOD Guide: A Guide to Collection and Use of Past Performance Information
(Version 3), May 2003

(http://www.acq.osd.mil/dpap/Docs/PPI_Guide_2003_final.pdf)

Step-by-step guide on creating a quality CPAR:

(<http://www.cpars.gov/cparsfiles/pdfs/CPARSQualityChecklist.pdf>)

USAID CPIO WEB PAGES:

USAID Past Performance FAQs available at

(<http://inside.usaid.gov/M/OAA/SolutionsCenter/index.html>)

OAA Solutions Center--eGov (For Internal Use Only:

(<http://inside.usaid.gov/M/OAA/SolutionsCenter/egov/index.htm>)

Legal and Ethical Considerations in Evaluating Contractor Performance

(<http://www.usaid.gov/policy/ads/300/302mad.pdf>)

Legal Trends and Caveats on Failure to Document Contractor Performance Information

(<http://www.usaid.gov/policy/ads/300/302sah.pdf>)

Legal Trends and Caveats on the Evaluation of Past Performance Information

(<http://www.usaid.gov/policy/ads/300/302sai.pdf>)

PPI Relevancy (<http://www.usaid.gov/policy/ads/300/302saj.pdf>)

OFFICE OF FEDERAL PROCUREMENT POLICY (OFPP):

Improving the Use of Contractor Performance Information, July 2009

(<http://www.cpars.gov/cparsfiles/pdfs/OFPP%20Memo.pdf>)

Improving Contractor Past Performance Assessments, January 2011

(<http://www.cpars.gov/cparsfiles/pdfs/OFPP%20PastPerformanceMemo-21%20Jan%202011.pdf>)

SECTION 7. QUESTIONS

Questions concerning access to CPARS, ACASS, CCASS, FAPIIS, and PPIRS or questions concerning specific USAID reports may be directed to the USAID Past Performance Coordinator (Super Focal Point) at ppperformance@usaid.gov.

Questions concerning any statistics about number of reports and the reports that are registered, in process, or completed may also be directed to ppperformance@usaid.gov.

Questions regarding the functionality of the CPARS/ACASS/CCASS/FAPIIS/PPIRS systems may be directed to the NAVSEA Help Desk at 207-438-1690 or webptsmh@navy.mil.

Questions concerning USAID past performance reports may be directed to M/OAA/Compliance at compliance@usaid.gov.

ANNEX – Solicitation Template for Contractor Performance Information

COs must include solicitation provisions based on the model language below. They may adapt these provisions to the circumstances of the subject procurement but must include the elements required by [FAR](#) 15.305(a)(2).

SECTION L - Instructions, Conditions, and Notices to Offerors or Respondents:

(XXX) **CONTRACTOR PERFORMANCE INFORMATION** [See Section M.XXX.] *[CO must insert subsection number here and in paragraph (d)(2).]*

- (a) The offeror (including all partners of a joint venture) must provide performance information for itself and each major subcontractor (one whose proposed cost exceeds ___% *[CO must insert a percentage; if “major subcontractor” is defined elsewhere in the solicitation.]* of the offeror’s total proposed cost) in accordance with the following:

1. List in an annex to the technical proposal up to ___ *[CO to insert a reasonable number]* of the most recent and relevant contracts for efforts similar to the work in the subject proposal. The most relevant indicators of performance are contracts of similar

[CO must define relevancy based on input from the program office (e.g., contract types, type of work, scope of work, complexity/diversity of tasks, skills/ expertise required, etc.) and how recently they were performed.]

2. Provide for each of the contracts listed above a list of contact names, job titles, mailing addresses, phone numbers, e-mail addresses, and a description of the performance to include:

- Scope of work or complexity/diversity of tasks,
- Primary location(s) of work,
- Term of performance,
- Skills/expertise required,
- Dollar value, and
- Contract type, i.e., fixed-price, cost reimbursement, etc.

(USAID recommends that you alert the contacts that their names have been submitted and that they are authorized to provide performance information concerning the listed contracts if and when USAID requests it.)

- (b) If extraordinary problems impacted any of the referenced contracts, provide a short explanation and the corrective action taken (FAR 15.305(a)(2)).
- (c) Describe any quality awards or certifications that indicate exceptional capacity to provide the service or product described in the statement of work. This information is not included in the page limitation.
- (d) Performance in Using Small Business (SB) Concerns (as defined in FAR 19.001)*.

- (1) This section (d) is not applicable to offers from small business concerns.
- (2) As part of the evaluation of performance in Section M.XXX of this solicitation, USAID will evaluate the extent you used and promoted the use of small business concerns under current and prior contracts. The evaluation will assess the extent small business concerns participated in these contracts relative to the size/value of the contracts, the complexity and variety of the work small business concerns performed, and compliance with your SB subcontracting plan or other similar small business incentive programs set out in your contract(s).
- (3) In order for USAID to fully and fairly evaluate performance in this area, all offerors who are not small business concerns must do the following:
 - (A) Provide a narrative summary of your organization's use of small business concerns over the past three years. Describe how you actually use small businesses--as subcontractors, as joint venture partners, through other teaming arrangements, etc. Explain the nature of the work small businesses performed--substantive technical professional services, administrative support, logistics support, etc. Describe the extent of your compliance with your SB subcontracting plan(s) or other similar SB incentive programs set out in your contract(s) and explain any mitigating circumstances if goals were not achieved.
 - (B) To supplement the narrative summary in (A), provide a list of the recent *[CO to establish the timeframe for "recent" while keeping in mind that the number of reports could be significant over an extended period of time.]* contracts for which you submitted subcontract reports to eSRS (FAR 52.219-9(d)(10) and a copy of any similarly recent subcontracting reports if they were not submitted to eSRS.
 - (C) Provide the names and addresses of three SB concerns for us to contact for their assessment of your performance in using SB concerns. Provide a brief summary of the type of work each SB concern provided to your organization, and the name of a contact person, his/her title, phone number, and e-mail address for each.

[End of Section L provision]

* Required for all USAID solicitations other than personal services contracts, 100 percent small business set asides, and those for which a justification for other than full and open competition has been approved

SECTION M - Evaluation Factors for Award:

(XXX) CONTRACTOR PERFORMANCE INFORMATION XX [CO to insert number of points, if using a point scoring system. See FAR 15.305(a)(2) for required elements of the provision, and section 6.2.1 of this Mandatory Reference "Policy Guide for Assessment and Use of Contractor Performance and Integrity Information" for guidance on determining the relative weight for CPI] [See Section L.XXX.] [CO must insert subsection number here and in paragraph (a).]

- (a) Performance information will be used for both the responsibility determination and best value decision. USAID may use performance information obtained from other than the sources identified by the offeror/subcontractor. USAID will utilize existing databases of contractor performance information and solicit additional information from the references provided in Section L. XXX of this RFP and from other sources if and when the Contracting Officer finds the existing databases to be insufficient for evaluating an offeror's performance.
- (b) Adverse past performance information to which the offeror previously has not had an opportunity to respond, will be addressed in accordance with the policies and procedures set forth in FAR 15.3.
- (c) USAID will initially determine the relevance of similar performance information as a predictor of probable performance under the subject requirement. USAID may give more weight to performance information that is considered more relevant and/or more current.
- (d) The contractor performance information determined to be relevant will be evaluated in accordance with the elements below:
 - (1) Quality of product or service, including consistency in meeting goals and targets: XX
 - (2) Cost control, including forecasting costs as well as accuracy in financial reporting (Note to COs: this element is not required for Firm-Fixed Price or Firm-Fixed Price with Economic Price Adjustment contracts) XX
 - (3) Schedule, including the timeliness against the completion of the contract, task orders, milestones, delivery schedules, and administrative requirements (e.g., efforts that contribute to or affect the schedule variance). XX
 - (4) Business relations, addressing the history of professional behavior and overall business-like concern for the interests of the customer, including the contractor's history of reasonable and cooperative behavior (to include timely identification of issues in controversy), customer satisfaction, timely award and management of subcontracts, cooperative

- | | | |
|---|--|-----------|
| | attitude in remedying problems, and timely completion of all administrative requirements: | <u>XX</u> |
| (5) | Management of key personnel, including appropriateness of personnel for the job and prompt and satisfactory changes in personnel when problems with clients were identified: | <u>XX</u> |
| (6) | For prime offerors who are not small business concerns, their utilization of Small Business concerns as subcontractors, including efforts in achieving small business participation goals: | <u>XX</u> |
| Total Weight for Performance Evaluation | | <u>XX</u> |

(f) An offeror's performance will not be evaluated favorably or unfavorably when:

- (1) The offeror lacks relevant performance history,
- (2) Information on performance is not available, or
- (3) The offeror is a member of a class of offerors where there is provision not to rate the class against a sub factor.

When this occurs, an offeror lacking relevant performance history is assigned a "neutral" rating. For example, a small business prime offeror will not be evaluated on its performance in using small business concerns. If this sub factor is worth a possible 10 points out of a total possible point value of 100 for the technical proposal, then the small business prime offeror's technical proposal will have a maximum of 90 possible points. If it was assigned a total score of 80 points out of the 90 maximum possible points, its total technical score for evaluation against the other offerors would be 88.89 (i.e., 80/90). USAID understands that there may be minor arithmetic differences in percentage terms as a result; however, it considers these differences to be minor and that they will not impact any best-value decision made under this solicitation.

An exception to this "neutral" rating provision is when a non-small businesses prime has no history of subcontracting with small business concerns.

Prior to assigning a "neutral" past performance rating, the contracting officer may take into account a broad range of information related to an offeror's performance.

[End of Section M provision]